

Project Approval

Section 75J of the Environmental Planning & Assessment Act 1979

As delegate of the Minister for Planning under delegation executed on 5 December 2008, we the Planning Assessment Commission of New South Wales (the Commission) approve the project application referred to in Schedule 1, subject to the conditions in Schedule 2 and the Revised Statement of Commitments in Schedule 3.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Member of the Commission



Member of the Commission



Member of the Commission

Sydney

18 January 2011

SCHEDULE 1

Application No.: MP10_0177

Proponent: Meriton Apartments Pty Limited

Approval Authority: Planning Assessment Commission

Land: 14-18 Boondah Road, Warriewood (Lot 20 in DP 1080979)

Project: Stage 1 for a residential and child care development including:

- Demolition of the existing buildings and structures on site and tree removal;
- Excavation, earthworks and flood mitigation works;
- Construction of 7 residential buildings of 3, 4 & 5 storeys in height providing 295 apartments with associated pools and gymnasium;
- Basement parking for 471 cars comprising 429 resident car spaces and 42 visitor spaces;
- Single storey childcare centre (270m²);
- External road works, internal public access roads and public pedestrian and cycle way;
- Asset Protection Zone, Environmental Buffer areas and ecological rehabilitation and landscaping works.

DEFINITIONS

Act	means the Environmental Planning and Assessment Act, 1979 (as amended).
Advisory Notes	means advisory information relation to the approved development.
BCA	means the Building Code of Australia.
Certifying Authority	has the same meaning as Part 4A of the Act.
Council	means Pittwater Council.
Department	means the Department of Planning or its successors.
Director General	means the Director General of the Department or his nominee.
Environmental Assessment (EA)	means the Environmental Assessment prepared by Architectus dated March 2010.
Minister	means the Minister for Planning.
MP No. 09_0162	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
PCA	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act
Preferred Project Report (PPR)	means the Preferred Project Report/ Response to submissions prepared by Architectus dated September 2010 and received by the Department on 29 September 2010.
Proponent	means Meriton Apartments Pty Limited or any party acting upon this approval.
Regulation	means the Environmental Planning and Assessment Regulation, 2000 (as amended).
Subject Site	has the same meaning as the land identified in Part A of this schedule

End of this Section

SCHEDULE 2

PART A - ADMINISTRATIVE CONDITIONS

Terms of Approval

A1. Development in Accordance with Plans and Documentation

The development will be undertaken in accordance with MP No. 10_0177 and the Environmental Assessment dated March 2010, prepared by Architectus, except where amended by the Preferred Project Report dated September 2010, prepared by Architectus, and the following drawings:

Architectural Drawings				
Drawing No.	Revision	Name of Plan	Drawn By	Date
DA00	B	Cover Sheet	Meriton Apartments Pty Ltd	6/08/2010
DA01	B	Overall Site Staging Plan	Meriton Apartments Pty Ltd	13/08/2010
DA02	B	Site Plan	Meriton Apartments Pty Ltd	12/08/2010
DA03	B	Carparking Plan 1	Meriton Apartments Pty Ltd	12/08/2010
DA04	B	Carparking Plan 2	Meriton Apartments Pty Ltd	12/08/2010
DA05	B	Podium Plan	Meriton Apartments Pty Ltd	12/08/2010
DA06	B	Typical Floor Plan (Level 2)	Meriton Apartments Pty Ltd	13/08/2010
DA07	B	Deep Planting	Meriton Apartments Pty Ltd	13/08/2010
DA10	B	Street Elevations	Meriton Apartments Pty Ltd	04/08/2010
DA11	B	Site Sections	Meriton Apartments Pty Ltd	03/08/2010
DA20	B	Building A Plans & Elevations	Meriton Apartments Pty Ltd	08/08/2010
DA21	B	Building B Plans & Elevations	Meriton Apartments Pty Ltd	03/08/2010
DA22	B	Building C Plans & Elevations	Meriton Apartments Pty Ltd	03/08/2010
DA23	B	Building D Plans & Elevations	Meriton Apartments Pty Ltd	04/08/2010
DA24	B	Building E Plans & Elevations	Meriton Apartments Pty Ltd	03/08/2010
DA25	B	Building F Plans & Elevations Sheet 1	Meriton Apartments Pty Ltd	06/08/2010
DA26	B	Building F Plans & Elevations Sheet 2	Meriton Apartments Pty Ltd	13/08/2010
DA28	B	Building G Plans & Elevations	Meriton Apartments Pty Ltd	03/08/2010
DA30	B	Childcare Pool Plans & Elevations	Meriton Apartments Pty Ltd	13/08/2010
DA70	B	Typical Unit Plans	Meriton Apartments Pty Ltd	06/08/2010

Landscape Plan				
Drawing No.	Revision	Name of Plan	Drawn By	Date
LA000	B	Title Sheet	Site Image Landscape Architects	13/08/10
LA101	B	Landscape Masterplan Vegetation Plan	Site Image Landscape Architects	13/08/10
LA102	B	Landscape Masterplan Landscape Management Zones	Site Image Landscape Architects	13/08/10
Other				
Drawing No.	Revision	Name of Plan	Drawn By	Date
C025	P1	Site Earthworks Plan and Section	AT&L Civil Engineers and Project Managers	07/09/10
C001	P1	Cover Sheet	AT&L Civil Engineers and Project Managers	26/07/10
C002	P1	Notes and Legends	AT&L Civil Engineers and Project Managers	26/07/10
C003	P4	General Arrangement Plan	AT&L Civil Engineers and Project Managers	12/08/10
C004	P2	Typical Road Cross Sections Sheet 1	AT&L Civil Engineers and Project Managers	26/7/10
C005	P1	Typical Road Cross Sections Sheet 2	AT&L Civil Engineers and Project Managers	26/7/10
C006	P1	Typical Road Cross Sections Sheet 3	AT&L Civil Engineers and Project Managers	26/7/10
C007	P2	Typical Road Cross Sections Sheet 4	AT&L Civil Engineers and Project Managers	12/08/10
C008	P1	Roadworks Details Sheet 1	AT&L Civil Engineers and Project Managers	26/7/10
C009	P1	Roadworks Details Sheet 2	AT&L Civil Engineers and Project Managers	26/7/10
C010	P2	Roadworks and Stormwater Drainage Plan Sheet 1	AT&L Civil Engineers and Project Managers	26/7/10
C011	P2	Roadworks and Stormwater Drainage Plan Sheet 2	AT&L Civil Engineers and Project Managers	26/7/10
C012	P3	Roadworks and Stormwater Drainage Plan Sheet 3	AT&L Civil Engineers and Project Managers	12/08/10
C013	P2	Roadworks and Stormwater Drainage Plan Sheet 4	AT&L Civil Engineers and Project Managers	12/08/10
C014	P6	Roadworks and Stormwater Drainage Plan Sheet 5	AT&L Civil Engineers and Project Managers	12/08/10

C015	P4	Roadworks and Stormwater Drainage Plan Sheet 6	AT&L Civil Engineers and Project Managers	2/08/10
C020	P1	Road Longitudinal Sections Sheet 1	AT&L Civil Engineers and Project Managers	04/06/10
C021	P1	Road Longitudinal Sections Sheet 2	AT&L Civil Engineers and Project Managers	04/06/10
C040	A	Bio Retention Basin A Detail Plan	AT&L Civil Engineers and Project Managers	29/10/10
C041	A	Bio Retention Basin B Detail Plan	AT&L Civil Engineers and Project Managers	29/10/10
C035	P1	Pavement Plan Sheet 1	AT&L Civil Engineers and Project Managers	26/07/10
C036	P1	Pavement Plan Sheet 2	AT&L Civil Engineers and Project Managers	26/07/10
C037	P1	Pavement Plan Sheet 3	AT&L Civil Engineers and Project Managers	26/07/10
C038	P1	Pavement Plan Sheet 4	AT&L Civil Engineers and Project Managers	26/07/10
N/A	N/A	Letter regarding public open space dedication	Meriton Apartments Pty Ltd	11/11/10

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

A2. Inconsistency between documents

In the event of any inconsistency between conditions of this approval and the drawings / documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

A3. Prescribed Conditions

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

A4. Construction Certificate

Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development approval.

A5. No external service ducts for multi-unit development and above

Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations excluding downwater pipes from roof gutters. Such service ducts are to be concealed from view from the street.

A6. Further Approvals

1. Child Care Centre

A child care centre is to be provided at the north-west corner of the site, between the overland flowpath and the western alignment of the main internal road. Places are limited to a maximum of 40 children unless otherwise approved by Council. A further Development Application for the proposed use is to be submitted to Council for its assessment. This application is to demonstrate that the proposed use and its operations including parking provision can be provided with minimal impact to future residents in the majority of the development site.

2. Future Subdivision of the Land

A further Development Application for subdivision is to be submitted to Council for its assessment. This application is to address the following:

- a. The creation of individual lots for containing dwellings and any utility lots (garages storage areas etc.), development lots for future stages, community or common property, and areas to be dedicated to the public.
- b. The creation of appropriate easements, rights of way, restrictions on use of land, or positive covenants sufficient to provide appropriate legal rights for access services and facilities where they are not contained in the lot which they benefit.
- c. Creation of a Residue Lot being that part of the land not included in (a) or (b) above.
- d. Provision of binding legal mechanisms to ensure the ongoing maintenance of any facilities or activities in the Residue Lot required to be carried out over the life of the development by this Approval, including maintenance of water management facilities, pedestrian and cycle paths, Buffer Areas, Vegetation and Asset Protection Zones in the Residue Lot and to also provide for public access.
- e. The creation of suitable binding legal mechanisms to ensure the ongoing maintenance of any facilities or activities required to be carried out over the life of the development by this Approval including the maintenance of the water management facilities, roads and parking areas, Buffer Areas, Weed Management, continual maintenance of landscape vegetation, Asset Protection Zones, the gymnasium and swimming pool, and any other proposed common facilities.

End of this Section

PART B - GENERAL

B1 Density and Height Modifications

The plans described above in Terms of Approval (A1) shall be modified as follows:

- a. The dwelling yield is limited to a maximum of 60 dwellings per hectare.
Note: For the purposes of calculating the dwelling yield, the site area is the developable area of 7.45ha and excludes Fern Creek and the creekline corridor.
- b. The height of the development shall be limited to 3 storeys, with the exception of Buildings D, E, F and G which may be permitted to be a maximum of 4 storeys to achieve the maximum density specified in Condition B1(a) above, subject to;
 - (i) any 4th storey having a smaller footprint than the 3rd level below to provide articulation to the building form;
 - (ii) any change to the siting or form of the envelopes resulting from Conditions B1(a) and/or B1(b) shall maintain compliance with the relevant provisions of the Residential Flat Design Code; and,
 - (iii) the amendments shall maintain a minimum of 50% of the developable area of 7.45ha as deep soil area.

Amended plans demonstrating compliance with these modifications shall be submitted to, and approved by the Director General.

B2 Other Design Modifications

The approved plans and the relevant *Construction Certificate* plans and specifications, required to be submitted to the Certifying Authority, must detail the following amendments:

- a. The Asset Protection Zone shall be maintained as an Inner Protection Area with a minimum width of 25 metres, exclusive of the 10 metre wide Vegetated Wetland Buffer Zone.
- b. The building envelopes of Buildings F shall be amended to ensure all units comply with the requirement that 70% of units achieve 3 hours solar access in mid – winter.
- c. The building envelopes or layout of Building A shall be amended to ensure all units comply with the requirement that 60% of units be naturally cross-ventilated.
- d. The proposed Port Jackson Fig trees in the Central Courtyard shall be replaced with deciduous tree species to improve winter solar access.
- e. 50% of the proposed children's play area shall be relocated to the Central Courtyard.

Amended plans demonstrating compliance with this modification shall be submitted to, and approved by, the Director General prior to issue of the relevant Construction Certificate.

B3 Car Park and Service Vehicle Layout

- a. The layout of the car park shall comply with Australian Standard AS 2890.1-2004 Parking Facilities Part 1: Off Street Parking. All parking spaces are to be linemarked.
- b. The layout of the service vehicle areas shall comply with Australian Standard AS2890.2: 1989 Off Street Parking Part 2 – Commercial Vehicles Facilities.
- c. Driveway and ramp gradients shall comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.
- d. All new vehicular crossings are to be constructed in accordance with Council's specifications.

- e. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for the basement structure.

B4 Structural Details

Prior to the issue of a relevant Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:

- a. the relevant clauses of the BCA,
- b. the relevant development approval,
- c. drawings and specifications comprising the Construction Certificate, and
- d. the relevant Australian Standards listed in the BCA (Specification A1.3).

B5 Construction Management Plan

Prior to the issue of a Construction Certificate, a Construction Management Plan shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters where relevant:

- a. hours of work,
- b. contact details of site manager,
- c. Waste Management Plan,
- d. Noise and Vibration Management Plan,
- e. Air Quality Management Plan, and
- f. Construction Traffic Management Plan

The Proponent shall submit a copy of the approved plan to Council.

B6 Traffic & Pedestrian Management Plan

Prior to the issue of a Construction Certificate, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- a. ingress and egress of vehicles to the site,
- b. loading and unloading, including construction zones,
- c. predicted traffic volumes, types and routes, and,
- d. pedestrian and traffic management methods.

The Proponent shall submit a copy of the approved plan to Council.

B7 Noise and Vibration Management

Prior to the issue of a Construction Certificate, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Certifying Authority. The Plan shall address, but not be limited to, the following matters:

- a. Identification of the specific activities that will be carried out and associated noise sources;
- b. Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment;
- c. The construction noise objective specified in the conditions of this approval;
- d. The construction vibration criteria specified in the conditions of this approval;
- e. Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- f. Noise and vibration monitoring, reporting and response procedures;

- g. Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions;
- h. Description of specific mitigation treatments, management methods and procedures that may be considered to control noise and vibration during construction;
- i. Justification of any proposed activities outside the construction hours specified in the conditions of this approval; and
- j. Contingency plans to be implemented in the event of non-compliances and/or noise complaints. The Proponent shall submit a copy of the approved plan to Council.

B8 Erosion and Sediment Control

Soil erosion and sediment control measures shall be designed in accordance with the document Managing Urban Stormwater – Soils & Construction Volume 1 (2004) by Landcom. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B9 Compliance Report

Prior to the issue of the relevant Construction Certificate, the Proponent, or any party acting upon this approval, shall submit to the Private Certifying Authority a report addressing compliance with all relevant conditions of this Part.

B10 External colours and materials

Implementation of an amended materials and colour scheme in accordance with Pittwater 21 Development Control Plan (Control D16.2 Building colours and materials) ensuring that the colours and materials harmonise with the natural environment and minimises the visual prominence of the development. The following must be adhered to:

- a. The roofs of all buildings/structures are to be dark grey, brown and/or grey tones only.

B11 Accessibility

Works in the public domain must be designed and constructed to provide accessibility in accordance with the Building Code of Australia and the relevant Australian Standards (including amendments).

B12 Internal Road Network

The internal road system is to be designed and constructed in accordance with the requirements of the Warriewood Valley Roads Master Plan 2006 Update, AustRoads and Auspec with sufficient width to accommodate emergency vehicles and parallel parking where appropriate to accommodate the balance of the carparking for the site not provided in the underground parking areas.

There is to be a three (3) metre boundary setback from the existing road reserve boundary where the internal road connects to a public road network to accommodate kerb returns with the public road reserve.

B13 Car and Bicycle Parking Provision and Storage

- a. Car parking provision shall meet the requirements of Pittwater DCP 21. Visitor parking shall include a minimum of 2 spaces designated for persons with a disability. The design and construction of the parking area and parking spaces must be in accordance with AS2890.1 and AS2890.6.
- b. Secure bicycle parking is to be provided for 98 bicycles on site, designed and constructed in accordance with AS2890.3.
- c. Storage areas for each dwelling are to be provided within the unit and/or basement or part lot.

B14 BASIX Certificate Requirements

Prior to the issue of the relevant Construction Certificate, details of all treatments outlined in the BASIX Certificates submitted with the PPR, to achieve satisfactory levels of thermal comfort, and satisfactory water and energy ratings, shall be incorporated into the proposed development and provided to the PCA. Should design changes require amended BASIX Certificates, a copy is to be provided to the Department, along with stamped plans, for information.

B15 Noise

Noise from the operation of any plant or equipment at the premises, including air conditioners, shall comply with the noise provisions of the Protection of the Environment Operations Act 1997.

B16 No excavation within the 10 metres of the Vegetated Wetland Buffer Zone

No excavation is to be carried out within the 10 metre Vegetated Wetland Buffer Zone as described and shown in figure 4 of the Flora and Fauna Assessment (Total Earth Care 2010).

B17 Maintenance of existing overland flowpath

The existing overland flowpath through the Swamp Oak Forest from Boondah Road to Warriewood Wetlands is to be maintained at or below existing levels.

B18 Flooding

The minimum floor levels are the Flood Planning Levels determined by the major stormwater design as outlined and modelled in the Brown Consulting Report - Stormwater and Environmental Management Plan — Buffer Area 3 — Warriewood Valley, 14–18 Boondah Road, Warriewood (August 2010).

The storage of hazardous materials, electrical items, items of plant, equipment or stock and any other items which may be susceptible to water damage are to be located above the Flood Planning Level.

B19 Entry into Basement Parking

- a. The minimum level of the entry to all underground car parking shall be the Flood Planning Level.
- b. Emergency egress from the basement carparking is to be provided. All access, ventilation and any other potential water entry points must be above the Flood Planning Level.
- c. A clearly signposted pedestrian access via a low flood hazard area to a 'safe haven' above the Flood Planning Level separate to the vehicular access ramps is to be provided.

B20 Groundwater flows to Warriewood Wetlands

There is to be no alteration to the natural flow of groundwaters across the site to the Warriewood Wetlands.

B21 Surface Water Management

Surface waters are to be managed in accordance with the Brown Consulting Report - Stormwater and Environmental Management Plan — Buffer Area 3 — Warriewood Valley, 14–18 Boondah Road, Warriewood (August 2010) and the updated Water Management Report.

Any disposal of surface water must comply with relevant guidelines and legislation including the Protection of the Environment Operations Act 1997 and the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ 2000a) for risks to recreational waters.

B22 Waste water from designated area for car washing

The wash bay must be designed and constructed so as not to cause pollution as defined by the Protection of the Environment Operations Act, 1997. Water from the wash bay shall be treated prior to entering the sewer system.

B23 Maintenance of any facilities or activities, including landscaping

The ongoing management of the water management facilities, internal road network and parking areas, the gymnasium and swimming pool building, Buffer Areas, Weed Management, landscape vegetation, Asset Protection Zones, and any other proposed common facilities is the responsibility of the party(s) nominated under a future subdivision application to be lodged in accordance with Condition A6 of this approval.

B24 Waste Management

- a. The commitments of the Waste Management Plan approved for this development, in particular the waste and recycling system incorporated for the residential development required under Condition C3 of this approval, are to be implemented.
- b. An on-site caretaker is to manage the storage and removal of waste from this development/site.

B25 Warriewood STP

The Proponent shall provide evidence of satisfactory arrangements made with Sydney Water for the payment of a contribution for the Warriewood STP at a rate of \$500,000 per net development hectare. Evidence shall be provided to the Certifying Authority prior to the issue of the relevant Construction Certificate.

B26 Vegetation Management

- a. Vegetation management onsite is to incorporate the following matters:
 - i. Relocation of the Asset Protection Zones (APZ) outside the 10 metre Vegetated Wetland Buffer Zone (Flora And Fauna Assessment TEC 2010) and in accordance with Planning For Bushfire Protection 2006 in terms of the Asset Protection Zone starting from the built form and moving towards the hazard.
 - ii. No excavation works within the 10 metre Vegetated Wetland Buffer Zone.
 - iii. The pedestrian/cycleway must be located outside of the 10 metre Vegetated Wetland Buffer Zone in all locations and above the 5% AEP flood level.
 - iv. Implementation of a vegetation management plan for the retention and rehabilitation of the existing Angophora Trees and native understorey adjacent to and within Boondah Road reserve.
 - v. Retention of the existing Swamp Mahogany Forest and additional trees shown to be retained on the Landscape Masterplan Vegetation Plan (Site Image, 2010).
 - vi. Planting in the Inner Creekline Corridor (25m from centre of the creekline) (including Public Riparian Zone shown in Dwy No LA102) is to be at a density of 6 plants per metre square for littoral plants, groundcovers and grasses; 1 shrub per metre square; 1 tree per 5 metre square. Turf is not permitted in this zone.
 - vii. Planting in the Outer Creekline Corridor (25-50m from centre of creekline and outside the Asset Protection Zone) (including the Buffer Strip shown in Dwg No LA102) is to be at a

density of 6 plants per metre square for littoral plants, groundcovers and grasses; 1 shrub per 10 metre square; 1 tree per 15 metre square. Trees are to have shrubs or tall ground plants (e.g. *Dianella*) planted at their base to a distance of at least 1 m from the trunk. Turf is not permitted in this zone.

- viii. Planting in the 10 metre wide Vegetated Wetland Buffer Zone (adjoining Warriewood Wetland) (shown in figure 4 Flora And Fauna Assessment TEC 2010) is to be at a density of 6 plants per metre square for littoral plants, groundcovers and grasses; 1 shrub per 1 metre square; 1 tree per 5 metre square. Turf is not permitted in this zone. The Wetland Buffer Zone is to be in accordance with DECCW and DWE requirements for foreshore lands.
 - ix. Planting in the Asset Protection Zone is to be at a density of 6 plants per metre square for littoral plants, groundcovers and grasses. Trees and shrubs are to be planted to meet the requirements for Outer and Inner Protection Areas in accordance with the Planning for Bushfire Protection (RFS, 2006), Standards for Asset Protection Zones (RFS, 2005) as listed in Bushfire Risk Management Assessment Report (Flame Zone, 2008), Management of Asset Protection Zones 14-18 Boondah Rd, Warriewood Valley.
 - x. The sides of the drainage swale are to be planted with littoral plants at a rate of 6 per metre square.
 - xi. Planting outside the Asset Protection Zones, Creekline Corridor, Wetlands Core and Wetland Buffer Zones, to the south and west of the proposed cycleway is to be at a density of 6 plants per metre square for littoral plants, groundcovers and grasses; and a minimum of 1 shrub per 10 metre square and 1 tree per 50 metre square. Any turf is to have a maintenance edge to prevent its spread into the any of the zones listed above.
 - xii. The recommendations of the Flora and Fauna Report, Arborist Report, Bushfire Report and amended Landscape Plans are to be adopted and implemented as specified except where superseded by conditions (i) to (xi) above.
- b. Native vegetation is to be maintained, particularly:
- i. The existing Swamp Sclerophyll Forest as shown on the Landscape Masterplan Vegetation Plan (Site Image 2010).
 - ii. The planting and maintenance in the various landscape zones are in accordance with the plant densities stated in (a) above, particularly within the Wetland Core and Buffer Zones.

Evidence of compliance with this condition shall be submitted to the certifying authority for approval prior to the issue of the final Occupation Certificate.

End of this Section

PART C – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

C1 Vegetation Management

The plant species to be used must be selected from the Species list under the adopted Warriewood Valley Urban Release Area Landscape Masterplan and Design Guidelines, in particular the west and south of the perimeter road and within 50 metres of the edge of the Warriewood Wetlands (as defined by the DECCW formerly DIPNR 2003).

The proposal to plant *Pennisetum* 'Nafray' grass species and *Stenocarpus sinuatus* is not approved given their potential to become invasive, and are to be deleted from the Plant Schedule.

A plan showing the location of the core and buffer zones, and the amended locations of the Asset Protection Zone and pedestrian/cycleway in accordance with Condition B26 is to be detailed on an amended Landscape Plan to be provided to the certifying authority for approval prior to the issue of the relevant Construction Certificate.

C2 Landscaping of the Site

- a. Detailed landscape construction plans to be prepared by a registered landscape architect generally in accordance with schematic landscape plans as prepared by Site Image P/L (Landscape Masterplan SM10041 LA 101.B). Detailed plans are to incorporate the matters detailed in this condition and prepared in conjunction with the Vegetation Management Plan as outlines in the Total Earth Care report, including:
 - i. Public Domain
The entrances into the development, off Boondah Road and Macpherson Street are to:
 - Be embellished with street tree planting to the central median (400 litre in size) incorporating structural soil to accommodate 12m³ root volume per tree. 4-6m tree spacing to landscape edges along entryway with 400 litre tree species and grasses/groundcovers at 4-6m².
 - Incorporate entry identification of the estate name and feature paving stencilling to roadway.
 - At least 2 metered watering points.
 - ii. Street Trees/Garden Areas to Road Verges (Boondah/Macpherson Street and Internal Access Roadways)
 - 400 litre street trees (as indicated on plan).
 - No turf to road verge areas, garden areas planted in accordance with Warriewood Valley Landscape Masterplan in relation to species @ 4-6 plants per m².
 - iii. Internal Access ways (between Buildings A, B, C and F, G):
 - Central access path to be 2.4m in width reinforced concrete (exposed aggregate/coloured concrete or unit paving on concrete). Trees to pathway to be at 6m centres along the pathway and installed at 200 litre sizes.
 - Gardens to all external planters in public domain to incorporate planting two per m² and include 200 litre trees as indicated on concept plan. All gardens to have minimum 500mm depth of soil medium.
 - Waterproof membranes to all on slab areas to be independently certified by waterproofing/membrane specialist as being fit for purpose and being effectively installed.
 - All playground/fitness equipment to be in accordance with AS4685, AS4486 and AS4422. All equipment as installed is to be independently certified as complying with the nominated standards prior to use by the public.

- All plant material is to be certified as complying with NATSPEC specifications prior to installation.
- iv. Building Setbacks to Macpherson Street/Boondah Road Frontages:
- Setback areas to be extensively landscaped to screen the building form. Tree planting to be as per the landscape plans hereby approved and incorporate 200L/400L tree sizes.
 - Three copies of a detailed Landscape Plan, drawn to scale, by a qualified landscape architect/ consultant, must be submitted to and approved prior to any relevant Construction Certificate for any works being issued.
- b. The Riparian Corridor (all land surrounding the creekline and wetlands including the Riparian Protection Zone shown in Dwg No LA102), including the Wetland Riparian edge, is to be planted in accordance with condition B26 and in accordance with the adopted *Warriewood Valley Urban Release Area Landscape Masterplan and Design Guidelines (Public Domain) 2006*.
- c. All landscaping in the approved plan is to be completed prior to an Occupation Certificate (Interim or Final) for the aboveground works being issued for that part of the site or the use commencing, whichever is earlier.

Prior to release of Occupation Certificate, all landscape works need to be certified as complying with approved landscape plans by a registered landscape architect.

- d. A Landscape Management Plan is to be prepared and implemented to outline the technique and frequency of maintenance tasks during the establishment of the landscaping and on a permanent basis. The Management Plan, is to be implemented for 24 months immediately following completion of the landscaping works on site, and is to incorporate a procedure for the replacement of failed plantings, and a reconsideration of other endemic species type where plantings do not respond to the conditions as expected. Evidence of engagement of maintenance contractor for 24 months for all landscape works as constructed by the applicant to be dedicated to Council, 24 month period to be completion of all landscape works as proposed. Evidence of engagement to be submitted to and approved by certifier/Council prior to issue of Occupation Certificate

This information is to be submitted with the Landscape Plan, in conjunction with this condition.

C3 Waste Management Plan

Prior to the relevant Construction Certificate for any works (including excavation) being issued, a Waste Management Plan is to be prepared and submitted to the Certifying Authority.

The Waste Management Plan is aimed to minimise waste materials (generated through demolition, excavation, construction and operation of the approved development) being disposed at an appropriate waste facility and where appropriate maximise opportunities for re-use/recycling, in accordance with the Waste Avoidance and Resource Recovery Strategy 2007.

The Plan is to include the following:

- a. The amount of demolition, excavation and construction wastes likely to be generated and how these materials are to be sorted and dealt with.
- b. the design and construction of the internal roads, driveways, turning circles and other infrastructure required for waste services in the development is in accordance with the stated document,

- c. all waste generated by the approved development (including residents, businesses and any other activity on the site) are to be collected by a private waste contractor,
- d. bulky waste items collected by a private waste contractor,
- e. Commitment to providing an on-site caretaker to manage the storage and removal of waste generated by the approved development.
- f. Commitment to retain the demolition, excavation and construction waste/recycling dockets will be retained on-site to confirm which authorised waste/recycling facilities received the material for recycling or disposal.

The Waste Management Plan is to be implemented prior to commencement of works and during the course of construction.

C4 Water Management Report and detailed Engineering Plans

- a. Prior to the issue of the relevant Construction Certificate, an updated Water Management Report and updated Civil and Infrastructure Drawings are to be submitted providing additional detailed designs, plans, specifications for all works to achieve full compliance with the Warriewood Valley Water Management Specification February 2001 (WMS 2001) and the Pittwater 21 Development Control Plan, based on Brown Consulting– Brown Consulting Report - Stormwater and Environmental Management Plan — Buffer Area 3 — Warriewood Valley, 14–18 Boondah Road, Warriewood (August 2010).
- b. The updated Water Management Report is to address the following:
 - i. Water Cycle Assessment
 - The demonstration that the impervious area of the development does not exceed 50% of the sector area.
 - ii. Flood Emergency Response
 - A detailed Flood Emergency Response Plan for the site and its surrounds (i.e. surrounding streets around the site) is required to cater for a flood up to the level of the probable maximum flood with a 2100 Climate Change Scenario (consistent with the NSW Government Guideline entitled “Flood Risk Management Guide – incorporating sea level rise benchmarks in flood risk assessments” (DECCW, August 2010).
 - The Flood Emergency Response Plan may involve evacuation from the site or 'shelter-in-place' and shall be incorporated in to the site's overall disaster/emergency management plan.
 - iii. Water Cycle Management – Bio-retention basins
 - The design of bio-retention basins is to prevent short-circuiting of water flow paths in all bio-retention basins, including judicious placement of inlets and outlets, and appropriate length to width ratios.
 - For safety reasons all bio-retention basins should either be enclosed with an effective security fence where submerged side slopes are steeper than a 1 in 8 batter down to a depth of at least 1.2 metres.
 - The design specifications for the bio-retention basin shall be in accordance with best practice, to meet safety, environmental, aesthetic, and practical long term maintenance constraints of the site.
 - The bio-retention basins should be located outside the 10m Vegetated Wetland Buffer Zone.
 - Groundwater sampling is to be undertaken in the vicinity of the bio-retention systems to ensure that any elevated nutrient concentrations in the groundwater system are managed through the design and construction process.

- iv. **SQID Management/ Maintenance Plan**
 - A comprehensive SQID Management/ Maintenance Plan to practically achieve long term maintenance of all water management facilities used in the development is to be prepared.
 - The Plan is to make provisions for the monitoring and reporting of the effectiveness of all water management structures. The plan is to provide details of the location, type, flow capacities, pollutant removal efficiencies, replacement life of components, access and monitoring points, and the general functioning of all Stormwater Quality Improvement Devices (SQIDS) and water management facilities and compliance with water quality.
 - v. **Water and Sediment Quality Monitoring Plan**
 - A comprehensive Water and Sediment Quality Monitoring Plan is to be prepared and maintained over the life of the development, with supporting evidence of water quality conditions at key stormwater inlet and discharge points.
 - The Plan is to provide a practical framework for the monitoring and reporting of water quality specific to the development, and mechanisms for enacting remedial measures should non-compliances occur.
 - vi. **Mosquito Risk Assessment**
 - A mosquito risk assessment is to be undertaken by an appropriately experienced and qualified medical entomologist for all proposed water management works to ensure that the mosquito risk is minimised.
- c. The detailed engineering design, construction plans and specifications for the water management system are to be in accordance with the updated Water Management Report. The water management system is to include the design for:
- i. A stormwater drainage system, which drains collected roof, road and surface water from the site and is to cater for flows from upstream catchments. The system is to include combined piped and overland flow components and comply with relevant Australian Standards and contemporary engineering best practice.
 - ii. All stormwater collection points, including On-site Detention, with details of location, volume, maintenance access points, and all system connections to achieve full compliance with water quality and quantity objectives.
 - iii. The trunk drainage system construction plans are to include longitudinal sections, cross sections, pit and pipe sizes and types and related civil engineering works. The detailed design is to include:
 - Lateral pipelines and associated drainage structures to connect flow from adjacent sites.
 - Pit and headwall inlets to the drainage systems are to be hydraulically efficient, provide ease of access for maintenance, be easy to maintain and provide for public safety. These structures are to be fully located within the subject development site.
 - Outlet structures into Fern Creek with rock surround environmentally aesthetic finish.
 - The overland flow path along the western boundary is to be designed to convey peak flows from Macpherson Street to Fern Creek during the PMF event;
 - The existing overland flowpath through the existing Swamp Oak Forest from Boondah Road to the Warriewood Wetlands is to be maintained at or below existing levels.
 - Earthwork details including volumes and cross-sections to sufficiently identify location of works for floodplain compensatory works and water management

facilities. The earthworks details are to demonstrate that no excavation works will be carried out within 10 metres of the Wetland Buffer Zone.

- d. The Water Management Report, and all associated plans and detailed design are to be certified as being in accordance with the Brown Water Management Report and as meeting the requirements of this condition.
 - i. The certification is to be provided by a qualified practising Civil Engineer with corporate membership of Engineers Australia (MIEAust), or who is eligible to become a corporate member and has appropriate experience and competence in urban stormwater (quantity & quality) and floodplain management.
 - ii. A copy of the updated and certified Water Management Report is to be provided to the Council for its records.

C5 Works in Fern Creek Corridor

- a. Prior to the issue of the relevant Construction Certificate, complete detailed design of all works associated with the construction of the Fern Creek corridor section on site, from Sector 11 common boundary to the existing pond in Warriewood Wetlands, is to be submitted to Council for assessment and subsequent approval.

The detail design forms part of this approval to facilitate inter-relationship between levels of the creekline and the development.

- i. The detailed design is to include plans, longitudinal sections, cross sections (and locations where there are hydraulic controls), location and details of rock outcrops, pools, riffles and full engineering specifications of these works and landscape works.
 - ii. The creekline corridor works within the 50 metre corridor are funded through the provisions of the Warriewood Valley Section 94 Contributions Plan except where the creekline corridor forms part of any overbank flood storage in which case any additional excavation is funded by the Applicant.
- b. Written approval, issued by Council, for the design works in Fern Creek corridor is to be provided to the Certifying Authority prior to the issue of the relevant Construction Certificate.

C6 Existing Public Roads - Roads Act Approval (Pittwater Council acting as the road authority under the Roads Act 1993)

Engineering plans and specifications for all roads, drainage and other civil engineering works within an existing Public Road reserve along the Macpherson Street frontage (including 5 and 7 Macpherson Street) and along the Boondah Road frontage, must be submitted to and a written approval under Section 139 of the *Roads Act* obtained from Council prior to the issue of the relevant Construction Certificate.

The Engineering Plans and specifications are to include the following matters:

- a. Macpherson Street and Boondah Road:
Works to the full length of the Macpherson Street (including 5 and 7 Macpherson Street) and Boondah Road frontages of the development site and including works associated with the intersection access to the development, being:
- b. Kerb and Guttering (vertical faced kerb only will be permitted)
- c. Landscaping (in accordance with condition C2 above)

- d. Roundabouts at:
 - i. The intersection of Macpherson Street with the Anglican Retirement Villages (ARV) sector entry road. (Remaining portion – all cost sharing to be agreed between the Applicant and ARV), and
 - ii. At the intersection of Macpherson Street and Boondah Road - kerb and gutter, footpath and landscape construction to accommodate the future roundabout.
- e. Road shoulder and road pavement construction, including pavement design and treatments for half road construction up to the road centre line or formation of recently construction pavement to pavement design criteria in Macpherson Street (4 x 106 ESA pavement design criteria).
- f. Footpath/cycleway 2.5m wide in Macpherson Street including 5 and 7 Macpherson Street, and 2.5m wide footpath/cycleway in Boondah Road.
- g. Associated road drainage for Macpherson Street and Boondah Road.
- h. Indented parking bays in accordance with the requirements of the Warriewood Valley Roads Masterplan.
- i. Indented bus bays in locations and to the requirements of Sydney Buses.
- j. Incorporation of the design and construction recommendations of the Arborist's Report referred to in condition C2 above necessary to achieve the retention of Bangalay Sand Forest where it is outside the approved development zone.
- k. Dedication of 12.5m² Road Reserve land being a splay corner (5 metres x 5 metres) at the intersection of Macpherson Street and Boondah Road to allow the construction of a roundabout.
- l. No vehicle access (other than for temporary construction works) permitted from any private property to either Boondah Road or Macpherson Street other than via the approved access road network.
- m. Entry treatments into the site:
 - i. The entry treatment for the internal through-road linking Macpherson Street and Boondah Road is to include kerb returns and pedestrian/cycle refuge at the intersection of the roadway with Macpherson Street and Boondah Road.
 - ii. The southern-most entry treatment for the internal road at Boondah Road (south of Building P) is to be designed and constructed as a standard access driveway and gutter crossing in accordance with Council driveway standards

C7 Internal Road Network (within the development site)

- a. Engineering plans and specifications for all roads, drainage and other civil engineering works within the development site are to include the following matters:
 - i. Pedestrian facilities;
 - ii. Pavement design and treatments. Where Kerb and Guttering does not form the edge of a road pavement in a street, a means of preventing vehicles from parking off the road pavement shall be provided;
 - iii. Drainage facilities and associated water treatment facilities;
 - iv. Threshold treatments;
 - v. Street landscape, including street lighting and sign posting;
 - vi. The entry treatment for the internal through-road linking Macpherson Street and Boondah Road, to include kerb returns and pedestrian/cycle refuge at the intersection of the roadway with Macpherson Street and Boondah Road.

- b. The engineering plans and specifications are to meet the objectives and requirements of the Warriewood Valley Roads Master Plan, AustRoads, AUSSPEC and Pittwater 21 Development Control Plan, and achieve a road design and landscaped effect consistent with the Warriewood Valley Concept Masterplan (Public Domain), dated October 2007.
- c. The engineering design and plans for road and drainage works must be certified as meeting the requirements of these conditions of Approval by a suitably qualified experienced civil engineer who is NPER accredited by Engineers Australia.

C8 Geotechnical Risk

Prior to the Construction Certificate for any works being issued, Form 2 of the *Geotechnical Risk Management Policy for Pittwater* (Appendix 5 of the Pittwater 21 DCP) is to be completed and submitted to the Certifying Authority.

The recommendations of the risk assessment required to manage the hazards identified in the submitted Geotechnical Report must be incorporated in the construction plans, and implemented prior to commencement of works and during construction.

C9 Bio-retention Basins Discharge Points

Discharge of the Bio-retention Pond to Warriewood Wetlands is to be via the existing discharge points (for example, the constructed pond within the Warriewood Wetlands). The Masterplan DA Drawing is to be amended such that the discharge point is relocated to the discharge points and all reference to discharge elsewhere into the wetlands is removed.

C10 Services

- a. Street lighting facilities to the development street frontages of the site and to the full length of the existing Public Road reserve frontages to Macpherson Street (including 5 and 7 Macpherson Street) and the frontage to Boondah Road) to be provided at the full cost of the developer and in accordance with the requirements of Energy Australia.
- b. All services, including electrical and telecommunications for the proposed lots, shall be provided underground. The location of any trenching and if required, a pad mounted substation(s) shall have regard for future and proposed landscaping in the public domain.
- c. All existing and new utility services and adjustments to those services including overhead power supply and communication cables located in the adjacent Public Road reserve verge are to be placed and/or relocated underground for the full length of the road reserve frontages (Macpherson Street including 5 and 7 Macpherson Street, and Boondah Road) of the development site at the full cost to the developer.

C11 Sydney Water – Section 73

The applicant is to consult with Sydney Water to establish whether there are any Section 73 Compliance Certificate requirements for this proposal, under the provisions of the Sydney Water Act, 1994.

A copy of any Notice of Requirements letter which may be issued by Sydney Water, is to be provided to the Certifying Authority with the Construction Certificate application.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Accredited Certifier or Council must be provided with a copy of plans that a Quick Check agent/ Sydney Water.

C12 Developer Contribution

a. The following is to be made for the provision of public infrastructure and services in respect of Stage 1 prior to the issue of the first Occupation Certificate for Stage 1 works:

- i. a total cash contribution of \$6,941,077.00 (subject to C12(c) below); and
- ii. works-in-kind to the value of \$2,586,359 (including the dedication of 6,681sqm of land in accordance with C12 (d) below).

The cash contribution required by Condition C12(a)(i) shall be proportionately reduced based on the final dwelling density and dwelling mix resulting from compliance with Condition B1 above. Details of the amended cash contribution and relevant calculations shall be submitted to and be approved by the Director General prior to the issue of the first Construction Certificate for the approved development.

- b. The Proponent shall provide evidence of payment of the cash contribution in Condition C12(a) to the Certifying Authority within 14 days of fulfilling C12(a).
- c. If the cash contribution for Stage 1 stated in C12 (a) (or any part of it) remains unpaid after 30 June 2011, the amount unpaid (whether it be the full cash contribution amount or a part of it) will increase on a quarterly basis in accordance with the applicable Consumer Price Index. If this Condition applies, the cash contribution payable under C12 (a) will be the total unpaid cash contribution in C12 (a) as adjusted under this Condition.
- d. The Proponent shall dedicate to Pittwater Council 15,601sqm of land as detailed on the plan attached to the correspondence from the Proponent dated 11 November 2010 for the provision of multi-functional creek line corridors and open space. The area to be dedicated is to be subject to a final plan of survey prepared by a registered surveyor and shall be detailed on the required Plan of Subdivision. The required dedication is to take place by way of subdivision. Evidence that the required Subdivision Certificate has been registered shall be provided to the Certifying Authority prior to the issue of the first Occupation Certificate for Stage 1 works.
- e. In accordance with the Warriewood Valley Section 94 Contributions Plan No. 15, the Proponent may negotiate with Council for the direct provision of other facilities and services and dedication of land (other than the 15,601sqm of land stated above) in lieu of the cash contribution in C12 (a) above (or any portion of that cash contribution) through an agreement for Material Public Benefit under the Warriewood Valley Section 94 Contributions Plan No. 15. Where an agreement for Material Public Benefit is sought in lieu of payment of the cash contributions in C12 (a) (or any portion of that cash contribution), the agreement for Material Public Benefit is to be finalised and signed by the Proponent and Pittwater Council prior to the release of the first Occupation Certificate.

ADVISORY NOTE:

As detailed in the Proponent's revised Statement of Commitments dated 12 November 2010 for the Concept Plan (MP09_0162), a total developer contribution for the provision of public infrastructure and services of \$19,041,428.00, comprising a total cash contribution of \$13,152,752.00 and an agreed schedule of works-in-kind to the value of \$5,888,676.00 (including the dedication of 15,601sqm of land), is to be made by the Proponent in relation to the project the subject of Concept Plan MP09_0162 (which comprises this Stage 1 and subsequent stage(s) of development). The total cash contribution detailed above shall be proportionately reduced based on

the final dwelling density and dwelling mix resulting from compliance with Modification 2 of the Concept Plan approval (MP09_0162) and Condition B1 of the Project Application approval (MP10_0177).

Following the payment of the Stage 1 contributions in C12(a), the remaining cash contribution for subsequent stage(s) of the project shall be paid prior to the issue of the first Occupation Certificate for any works associated with any subsequent stage(s) and evidence of payment shall be provided to the Certifying Authority as detailed in the Proponent's revised Statement of Commitments for the Concept Plan dated 12 November 2010, subject to conditions in any approval for subsequent stages(s) of the project.

C13 Construction Management Plan

Prior to issue of the Construction Certificate for any works, a comprehensive Construction Process Plan of Management (CPPM) is to be submitted to Council that outlines statutory obligations and regulatory requirements affecting all site works and procedures that will be implemented for the duration of all clearing works, earthworks and construction works associated with the approved development that will ensure the safety and amenity of the surrounding residents and the environment are not adversely affected. In particular, this Plan of Management must address the following requirements:

- a. A report from a qualified/practising acoustic consultant addressing the objective of demonstrating that the development may be constructed in compliance with the requirement that the L10 level measured over a period of not less than 15 minutes when the construction site is operating must not exceed the background level by more than 10 db(A) measured inside the nearest dwelling, and outlining the measures necessary for this objective to be achieved, such as: selection of specific noise reduced plant and equipment; silencing of construction site plant and equipment; location of plant; regular site monitoring by the site manager and the acoustic consultant etc. There must also be no delivery of machinery, trucks, plant or equipment to the site outside of the approved work hours.

If that acoustical report discloses that this objective cannot be satisfied, the report must identify the areas of non-compliance and must recommend the implementation of measures to achieve this objective insofar as reasonably practicable, all such measures to be to the reasonable satisfaction of the Council.

- b. Site management in terms of delivery of materials, parking for workers (including No Parking provisions in Boondah Road), removal of excavated materials, how temporary power will be supplied, and stabilisation of any temporary structures, stockpiles and stored materials.
- c. Measures for air quality management and in particular the control of airborne dust, litter and other contaminants in relation to the neighbouring properties.
- d. Waste management methodology including details of quantities of material to be transported and implementation of recycling measures (e.g. mulching of vegetative matter) in accordance with Condition C4 above.
- e. Stormwater, sediment and erosion control methodology.
- f. Commitment for the provision of site management signage including contact names and telephone numbers for 24 hour contact by the public relating to site issues including the name and telephone contact of the Principal Certifying Authority.

- g. The Construction Plan of Management must ensure there is a process of 'site induction' to be the responsibility of the site manager whereby each employee or contractor is advised of the procedures relating to the requirements of this Plan.

The construction must be carried out in accordance with the approved Construction Plan of Management for this development.

C18 NSW Office of Water

Licences under Part V of the Water Act 1912 are required for the works for purposes of temporary dewatering as part of proposed construction.

- a. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering.
- b. Pumped water (tailwater) shall not be allowed to discharge off-site (e.g., adjoining roads, stormwater system, sewage system, etc) without the controlling authorities approval and/or owners consent.
- c. The licensee shall allow (subject to Occupational Health and Safety Provisions) the NSW Office of Water or any person authorised by it, full and free access to the works (excavation or bore/borefield), either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the NSW Office of Water for the protection and proper maintenance of the works, or the control of the water extracted to prevent wastage and for the protection of the quality and prevention from pollution or contamination of the groundwater.
- d. If the work is abandoned at any time the licensee shall notify the NSW Office of Water that the work has been abandoned and seal off the aquifer by such methods as agreed to or directed by the NSW Office of Water.

The following documents are to be supplied to the NSW Office of Water in a form suitable to the Office:

- e. A report predicting the impacts of pumping on any licensed groundwater users or groundwater dependent ecosystems in the vicinity of the site. Any adverse impacts will not be allowed and the project will need to be modified.
- f. A report assessing the potential for salt water intrusion to occur as a result of the dewatering. This report is only required for sites within 250m of any marine or estuarine foreshore area. The generation of conditions leading to salt water intrusion will not be allowed, and the proposal will need to be modified.
- g. Descriptions of the methods used and actual volume of groundwater to be pumped (kilolitres/mega litres) from the dewatering works, the works locations, the discharge rate (litres per second), duration of pumping (number of days/weeks), the amount of lowering of the water table and the anticipated quality of the pumped water.
- h. Descriptions of the actual volume of pumped water (tailwater) to be reinjected (kilolitres/mega litres), the reinjection locations, the disposal rate (litres per second), and duration of operation (number of days/weeks) and anticipated quality of treated water to be reinjected.
- i. Monitoring of groundwater levels (minimum of 3 weekly measurements of depth to water at a minimum of 3 locations broadly distributed across the site) beneath the proposed structure shall extend greater than one floor level into the existing ground level.

C19 Ground water

- a. The design and construction of the structure must preclude the need for permanent dewatering.
- b. The design and construction of the structure that may be impacted by any watertable must include a water proof retention system (i.e. a fully tanked structure) with adequate provision for future fluctuations of water table levels. (It is recommended that a minimum allowance for a water table variation of at least +/-1.0 metre beyond any expected fluctuation be provided). The actual water table fluctuation and fluctuation safety margin must be determined by a suitably qualified professional.
- c. Construction methods and material used in and for construction are not to cause pollution of the groundwater.
- d. Monitoring of groundwater levels is to be continued at least weekly during the construction stage and at least weekly over a period of at least 2 months following cessation of dewatering, with all records being provided to the NSW Office of Water on expiration of the licence. This requirement is only for sites where the proposed structure shall extend greater than one floor level into the existing ground level.
- e. Groundwater quality testing must be conducted (and report supplied to the NSW Office of Water). Samples must be taken prior to commencement of dewatering,) and ongoing to the satisfaction of the NSW Office of Water for any extraction and reinjection activities). Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
- f. Discharge of any contaminated pumped water (tailwater) that is not to be reinjected, must comply with the provisions of the Protection of the Environment Operations Act 1997 and any requirements of the relevant controlling authority. The method of disposal of pumped water (i.e. street drainage to the stormwater system or discharge to sewer) and written permission from the relevant controlling authority must be presented to the NSW Office of Water in support of the licence application.
- g. Discharge of any contaminated pumped water (tailwater) that is reinjected, must comply with the provisions of the Protection of the Environment Operations Act 1997. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site. Contaminated groundwater is not to be reinjected into any aquifer. The following must be demonstrated in writing:
 - i. The treatment to be applied to the pumped water (tailwater) to remove any contamination,
 - ii. The measures to be adopted to prevent redistribution of any contamination in the groundwater system. Any reinjection proposal that is likely to further spread contamination within the groundwater system will not be allowed and the project will need to be modified.
 - iii. The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater system will not be allowed and the project will need to be modified.
 - iv. The means to avoid degrading impacts on the identified beneficial use of the groundwater. Any reinjection proposal that is likely to lower the identified beneficial use of a groundwater system will not be allowed and the project will need to be modified.

- h. Written advice be provided from the Certifying Authority to the NSW Office of Water to certify that the following ground settlement issues have been addressed in reports submitted by the proponent:
- i. Assessment by a suitably qualified geotechnical professional that the proposed dewatering activity does not pose an unacceptable risk of off-site impacts such as damage to surrounding buildings or infrastructure as a result of differential sediment compaction and surface settlement during and following pumping of groundwater.
- j. Settlement monitoring activities to be undertaken prior to, during and for the required period of time following the dewatering pumping to confirm the impact predictions.
- k. Locations of settlement monitoring points, and schedules of measurement.

C 20 Ground water licence

An application must be completed on the prescribed form for the specific purpose of temporary construction dewatering and a licence obtained from the NSW Office of Water prior to the installation of the groundwater extraction works. A plan drawn to scale will be required with the application clearly identifying the location of dewatering installations.

Upon receipt of Approval from the Department of Planning a fully completed licence application form, unambiguous documentation of the means by which the below-ground areas of the development will be designed and constructed to prevent any groundwater seepage inflows (and therefore preclude any need for permanent or semi-permanent pumping), together with all other required supporting information, the NSW Office of Water will issue a Water Licence under Part 5 of the Water Act, 1912.

A Licence application under Part 5 of the Water Act 1912 must be accompanied by a \$151.00 fee and must specify the proposed volume of groundwater to be pumped in total (mega litres). The licence is also subject to administrative charges as determined from time to time by the Independent Pricing and Regulatory Tribunal (IPART)

End of this Section

PART D – PRIOR TO COMMENCEMENT OF WORKS

D1 Site Management

- a. The following Site Management measures are to be installed prior to the commencement of works on site, including but not limited to demolition, excavation or construction work:
 - i. Sedimentation and erosion controls are to be installed and effectively maintained in accordance with the submitted Soil and Water Management Plan and approved as part of the Construction Certificate, to eliminate the discharge of sediment from the site.
 - ii. A silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
 - iii. The site is to be fully secured by a fence to all perimeters to the site to prevent unauthorised access both during the course of the works and after hours.
 - iv. An all weather accessway at the front of the property consisting of 50-75mm aggregate or similar material at a minimum thickness of 200mm and 15metres long laid over geotechnical fabric is to be constructed prior to commencement of works and maintenance over the works period.
 - v. All trees, vegetation, habitat, bush rock or other natural features to be retained/protected are to be clearly identified for protection prior to works commencing to prevent their damage or injury. The protection measures are to be erected and maintained during the period of construction.
 - vi. Identify and set aside a location for materials, stockpiles and vehicle stockpile areas. The location should be already cleared and disturbed land well away from creek line, trees, vegetation, habitat, bush rock or other natural features.
- b. A clearly legible Site Management Sign is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state, in legible lettering, the builder's name, builder's telephone contact number both during work hours and after hours.
- c. No works are to be carried out in Council's Road Reserve without the written approval of Council.
- d. A Road Opening Permit issued by Council must be obtained for any road openings or excavation within Council's Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
- e. Access to the site through an adjoining park/reserve is prohibited without the written approval of Council.
- f. Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.

D2 Excavation Works

- a. All excavations and backfilling associated with the erection or demolition of a building must be:
 - i. Executed safely and in accordance with appropriate professional standards,
 - ii. Properly guarded and protected to prevent them from being dangerous to life or property.
- b. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of their intention to excavate below the level of the base of the footing and furnish the adjoining property owner with particulars of the proposed work.
- c. Any excavated material proposed to be used on site is to be assessed for contamination and reuse by a qualified geotechnical engineer. Subject to this assessment and validation that the soil can be reused as foundation material, such soil may be reused on site as fill. Any material that is not deemed to be suitable for reuse shall be removed from the site and disposed of in an appropriate manner.

D3 Demolition and Waste Materials

Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-1991 *The Demolition of Structures*.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

- a. Protection of site workers and the general public.
- b. Erection of hoardings where appropriate.
- c. Asbestos handling and disposal where applicable.
- d. Any disused service connections shall be capped off.

Demolition works must be carried out in compliance with WorkCover's *Short Guide to Working with Asbestos Cement* and Australian Standard AS 2601 1991 *The Demolition of Structures*.

The site must be provided with a sign containing the words *DANGER ASBESTOS REMOVAL IN PROGRESS* measuring not less than 400mm x 300mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

All waste materials generated through demolition, excavation and construction works are to be minimised by re-use on-site, recycling or where reuse or recycling is not practical, disposal at an appropriate authorised waste facility in accordance with the approved Waste Management Plan.

Any fill material imported to the site is to be the subject of testing and monitoring throughout the

course of the works and is to consist of clean fill inert material only. That is, non-contaminated excavated material and soil, and suitable material. Putrescible and non-putrescible solid waste (including demolition material) is not permitted. All imported fill must be sourced locally where practicable to reduce traffic movements. A report certifying that fill complies with the requirements of this condition prepared by a suitably qualified person is to be provided to the PCA on completion of the filling works. The batters of the fill area are to be graded to a slope of no more than 4(H):1(V).

D4 Works within Road Reserve

- a. No works are to be carried out in Council's Road Reserve without the written approval of Council (acting as the Roads Authority) in accordance with Sections 138 and 139 of the Roads Act.
- b. A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Councils Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
- c. No skip bins or materials are to be stored on Council's Road Reserve.
- d. All construction in the public road reserve must be undertaken by a Council authorised contractor.
- e. No native canopy trees to be removed from road reserve without prior approval from Council.

D5 Construction Traffic Management Plan

A Construction Traffic Management Plan prepared by a suitably qualified traffic consultant is to be submitted to the Principal Certifying Authority prior to the commencement of any site works. The plan is to detail:

- a. Quantity of material to be transported
- b. Proposed truck movements per day
- c. Proposed hours of operation
- d. Proposed traffic routes, noting that 3 tonne load limits apply to roads in Warriewood Valley and some roads within Pittwater.

D6 Certification

- a. Tree protection barriers and exclusion fencing are to be installed around all retained trees and remnant bushland as identified. No further site works are to commence, until such time as that certification has been obtained and a copy forwarded to Council.
- b. Written certification of the completion of weed removal works, being those declared noxious weeds under the Noxious Weeds Act 1993 and all undesirable plant species listed in Councils Tree Preservation Order, is to be supplied to Council. The works are to be certified by an experienced and qualified bush regenerator or vegetation management consultant.
- c. Prior to commencement of works, at least three photographs of the road reserve and footpath area adjoining the site, one front-on and one from each side of the property, are to be submitted

to Council with the notification of commencement of works, showing the condition of the street trees and road reserve. The photographs must be dated, and accompanied by a statement that they are a true and accurate representation of the scene depicted.

D7 Appointment of Principal Certifying Authority

Prior to commencement of work, the person having the benefit of the approval and a Construction Certificate must:

- a. appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and
- b. notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

The PCA must determine when inspections and compliance certificates are required.

D8 Signage

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a. Stating that unauthorised entry to the work site is prohibited;
- b. Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c. Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- d. Showing the approved construction hours in accordance with this Approval.
- e. Any such sign must be maintained while the excavation building work or demolition work is being carried out, but must be removed when the work has been completed.
- f. This condition does not apply to building works being carried out inside an existing building.

D9 Security Fencing

The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority prior to commencement of any works or demolition on site.

D10 Toilet Facilities

Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any works being carried out.

D11 Dilapidation Report of Adjoining Structures

Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to the Department and Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' (acceptable to the Principal Certifying Authority and agreed by the Structural Engineer) of the required excavation face to twice the excavation depth.

The report should include a photographic survey of adjoining properties within the zone of influence (acceptable to the Principal Certifying Authority and agreed by the Structural Engineer) detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports for adjoining

structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

D12 Notice to be given prior to Excavation

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

D13 Dial Before You Dig

Prior to any excavation and or stump grinding on or near the subject site the person/s having benefit of this approval are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this approval are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

D14 Erosion and Sediment Control

Erosion and sediment control devices are to be installed, as necessary, prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development where necessary.

D15 Protective Fencing

Retained trees or treed areas shall be fenced with a 1.8 metre high chainwire link or welded mesh fence, fully supported at grade, to minimise the disturbance to existing ground conditions within the canopy drip line or a setback as specified on the approved landscaping plan for the duration of the construction works. "Tree Protection Zone" signage is to be attached to protective fencing.

D16 Road Occupancy Permit

Footpath or road construction and/or restoration in the public domain, during construction of the development shall require a Road Occupancy Permit from Council. The applicant shall submit an application for a Road Occupancy Permit a Road Opening Permit through Council, prior to carrying out the construction/restoration works.

D17 Barricade Permit

Where construction/building works require the use of a public place including a road or footpath, approval under Section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

End of this Section

PART E – DURING CONSTRUCTION

E1 Approved Plans Kept On Site

A stamped copy of the approved plans is to be kept on the site at all times, during construction

E2 Site Management During Construction Phase

- a. The approved Site management measures, including demolition and excavation measures, are to be implemented and where appropriate maintained during the course of demolition/excavation and construction. This includes the following:
 - i. Temporary sedimentation and erosion controls are to be constructed prior to commencement of any work to eliminate the discharge of sediment from the site. sedimentation and erosion controls are to be effectively maintained at all times during the course of construction and shall not be removed until the site has been stabilised or landscaped to the Principal Certifying Authority's satisfaction.
 - ii. A site fence and silt and sediment control fence is to be erected and maintained during the course of works along any street boundary and park/reserve boundary to the site.
 - iii. Adequate measures shall be undertaken to remove clay from vehicles leaving the site so as to maintain public roads in a clean condition.
 - iv. Materials, stockpiles and vehicle stockpile areas are to be located on already cleared and disturbed land well away from creek line, trees, vegetation, habitat, bush rock or other natural features.
 - v. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property. Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. Any excavated material proposed to be used on site is to be assessed for contamination and is also to be assessed for reuse by a qualified geotechnical engineer. Subject to this contamination assessment and validation that this soil can be reused as foundation material, such soil may be reused on site as fill. Any material that is not deemed to be suitable for reuse shall be removed from the site and disposed of in an appropriate fashion.
 - vi. Access to the site through an adjoining park/reserve is prohibited without the written approval of the Council.
 - vii. No skip bins or materials are to be stored on Councils Road Reserve.
- b. If any Aboriginal Engravings or Relics are unearthed, all work is to cease immediately and the Metropolitan Local Aboriginal Land Council (MLALC) and National Parks and Wildlife Service are to be notified.

E3 Protection of trees and vegetation

Tree protection barriers and exclusion fencing are to be installed around all retained trees and remnant bushland as identified.

Supervision by a qualified Arborist of works within and adjacent to Boondah Road, of works near to all mature trees to be retained, to ensure that appropriate measures are put into place to protect those trees.

E4 Engagement of qualified wildlife handler to supervise the relocation of wildlife

A suitably qualified wildlife handler to be on site to supervise the relocation of any wildlife disturbed or injured during the removal of the Cottonwood Trees which provide roosting habitat as specified in the Arborist Report by Tree & Landscape Consultants dated 29th September 2008 as updated 19 February 2010.

E5 Groundwater Management

The groundwater regime within the Warriewood Wetlands Buffer Zone and Fern Creek Creekline Corridor is to be maintained as close as possible to the pre-development condition during construction and operational phases of the development.

Groundwater level monitoring is to be undertaken on a regular basis from the monitoring bores installed at the site and if deemed necessary any additional on-site or off-site locations.

E6 Survey Certificate

A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any further work proceeding on the building.

E7 Construction Noise

Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the DECCW Interim Construction Noise Guidelines 2009.

E8 Dust Control

Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the DECCW. Dust nuisance to surrounding properties should be minimised.

E9 Materials on footpath

No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

E10 Plant and equipment kept within site

All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

E11 Hours of Works

All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

E12 Complaints Register

The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall record, but not necessarily be limited to:

- a. The date and time of the complaint;
- b. The means by which the complaint was made;
- c. Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- d. Nature of the complaints;
- e. Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- f. If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register shall be made available to Council and/ or the principal certifying authority upon request.

E13 Sedimentation Control and Adjoining Waterways

Sediment controls, to ensure that sediment, fines and like material can enter the waterway or drainage system, are to be in place for the duration of the works. The proponent is to carry out works generally in accordance with the Site Management Plan in respect to environmental management and safeguards. These controls are to be maintained at design level throughout the duration of the works and are to be inspected for this purpose at frequent and regular intervals. Any deficiencies are to be immediately made good. Methods shall be in accordance with the relevant specifications and standards contained in the manual Managing Urban Stormwater–Soils & Construction Volume 1 (2004) by Landcom.

E14 Waste Data File

A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.

E15 Services to be provided Underground

All new services associated with the development are to be located underground and works associated with this are to be fully borne by the Proponent, within the development and along all street frontages for the length of the development.

E16 Trees of Public Property

No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in the approval shall be removed or damaged during the works including the erection of any fences, hoardings or other temporary works.

E17 Protection of Trees - Street Trees

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

E18 Protection of Trees – On-site Trees

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

E19 Material Storage and Trees

No materials (including waste and soil), equipment, structures or goods of any type are to be stored, kept or placed within 5 m from the trunk or within the drip line of any tree.

E20 Loading and Unloading During Works

The following requirements apply:

- a. All loading and unloading associated with construction must be accommodated on site.
- b. A Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- c. The structural design of the building must permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- d. If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- e. In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

E21 Covering of Loads

All vehicles involved in the excavation and / or demolition process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

E22 No Obstruction of Public Way

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

E23 Erosion and Sediment Control

The Soil and Water Management Plan (SWMP) or Erosion and Sediment Control Plan (ESCP) which has been approved by the Principal Certifying Authority must be implemented in full during the construction period.

During the construction period;

- a. erosion and sediment controls must be regularly inspected, repaired and maintained in working order sufficient for a 10 year Average Recurrence Interval (ARI) rainfall event;
- b. erosion and sediment control signage available from Council must be completed and attached to the most prominent structure visible at all times when entering the site for the duration of construction; and(c) building operations and stockpiles must not be located on the public footway or any other locations which could lead to the discharge of materials into the stormwater system.

E24 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

E25 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

- a. Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;

- b. The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- c. The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- d. The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

E26 Contact Telephone Number

The Proponent shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

E27 External Lighting

External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Proponent shall submit to the approval authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

E28 Vibration Criteria

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- a. for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- b. for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472-Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

E29 Vibration Management

Vibratory compactors must not be used closer than 30 metres or project specific distance from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

E30 Impact of Below Ground (Sub-surface) Works – Non-Aboriginal Objects

If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the NSW Heritage Office contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

E31 Impact of Below Ground (Sub-surface) Works – Aboriginal Objects

If any Aboriginal archaeological objects are exposed during construction works, the Proponent shall immediately notify the National Parks and Wildlife Service and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.

E32 Compliance Report

The Proponent, or any party acting upon this approval, shall, for the duration of construction period, maintain a report addressing compliance with all relevant conditions of this Part. This report should be made available to the Department and Council upon request.

End of this Section

PART F – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE OR COMMENCEMENT OF USE

F1 Occupation Certificate

Occupation or use, either in part or full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this approval have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

F2 Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the plan of subdivision.

F3 BASIX Certificate

Under Clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development approval that all design measures relevant to the stage of occupation, identified in the approved BASIX Certificate will be complied with prior to occupation.

F4 Certifying Authority to Arrange Qualified Landscape Architect

The Certifying Authority shall arrange for a qualified Landscape Architect / Designer to inspect the completed landscape works to certify adherence to the Approval conditions and Construction Certificate drawings. Landscape works within and adjacent to the areas the subject of the Occupation Certificate are to be fully completed prior to the issue of the Occupation Certificate.

F5 Works as Executed Plans

Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:

- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.

F6 Post Construction Dilapidation Report

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to the Department and Council.

F7 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F8 Mechanical Ventilation

- a. The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.
- b. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1-1998 and AS1668.2-1991, the Building Code of Australia and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.
- c. Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the Building Code of Australia, must be submitted to the Principal Certifying Authority.

F9 Waste and Recycling Collection Contract

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is earlier, of the building the owner must ensure that there is a contract with a licensed contractor for the removal of **all trade waste** pertaining to the relevant stage of construction. No garbage is to be placed on the public way e.g. footpaths, roadways, plazas, and reserves at any time.

F10 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the approval authority and Council by the PCA.

F11 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:

- a. The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- b. The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F12 Road Damage

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the Proponent/developer prior to the issue of any Occupation Certificate.

F13 Landscaping shall be completed prior to occupation

The landscaping adjacent to and within the areas the subject of the occupation shall be fully completed in accordance with the approval and approved plans, prior to occupation or use of the premises, and shall be maintained at all times.

F14 Works within Council's road reserve

- a. Prior to the issue of an Occupation Certificate for the buildings, all works in the public roads (Macpherson Street and Boondah Road) described in the plans required in the Construction Certificate must be constructed.
 - i. A certificate submitted by a Chartered Professional Engineer confirming, to the satisfaction of the Principal Certifying Authority, that the works in the public road reserve comply with Council requirements.
 - ii. Photographic evidence of the condition of the street trees and road reserve, including the area adjoining the site after the completion of all construction, must be submitted to the Principal Certifying Authority showing that no damage has been done and if damage has been done that it has been fully remediated. The photographs shall be accompanied by a statement that no damage has been done (or where damage has been remediated, that Council has approved that work). In this regard Council's written agreement that all restorations have been completed satisfactorily must be obtained prior to the issue of any Occupation Certificate.
 - iii. Restoration of all damaged public infrastructure caused as a result of the development to Council's satisfaction. Council's written approval that all restorations have been completed satisfactorily must be obtained and provided to the Private Certifying Authority with the Occupation Certificate application.

F15 Works within Pittwater Road

- a. Prior to the issue of the Final Occupation Certificate for Stage 1, the installation of a right-turn movement from Pittwater Road into Warriewood Road at the intersection of Pittwater Road/Warriewood Road/Hunter Street shall be constructed and shall comprise the lengthening of the right-turn bay to provide for a minimum of 80 metres storage plus 20 metres taper. The required works shall be designed to meet RTA's requirements, and endorsed by a suitably qualified/ Chartered Engineer (i.e. who is registered with the Institution of Engineers Australia). The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil/traffic intersection plans shall be submitted to the RTA for consideration and approval prior to the commencement of the required road works.
- b. The RTA fees for administration, plan checking, civil/intersection works and project management shall be paid by the Proponent prior to the commencement of the required works.
- c. The Proponent shall be required to enter into a Works Authorisation Deed (WAD) for the required works on the classified road system. Please note that the Works Authorisation Deed will need to be executed to the RTA's satisfaction.

- d. The Proponent shall be responsible for all public utility adjustment/relocation works, necessitated by the required works and as required by the various public utility authorities and/or their agents.

F16 Certification

Prior to issue of the Occupation Certificate, the following certification matters are to be obtained and submitted to the Principal Certifying Authority:

Completed Form 3 of the *Geotechnical Risk Management Policy* in accordance with *Pittwater 21 Development Control Plan* (Appendix 5).

a. Water Management

- i. Certification by a qualified experienced practising Civil Engineer with corporate membership of Engineers Australia (MIEAust), or who is eligible to become a member and has appropriate experience and competence in the related field, that the drainage/stormwater management system has been installed to the manufacturer's specification (where applicable) and completed in accordance with the engineering plans and specifications required under this approval.
- ii. The Water Management Report and all associated plans and detailed design must be certified in accordance with the Warriewood Valley Water Management Specification (February 2001) and as meeting the requirements of these conditions
- iii. Certification is to be provided to Council, by an appropriately qualified professional as prescribed in this development approval, that works associated with the water management system have been carried out and completed in accordance with the Water Management Report required under this approval. Certification is to be provided in accordance with the Warriewood Valley Water Management Specification (February 2001).

A copy of the updated Water Management Report required under this approval must be submitted to Council. The Water Management Report must contain all reports, assessments and plans as required by the *Warriewood Valley Water Management Specification* (February 2001).

- iv. Notification to Council, certified by an appropriately qualified professional, will be required to change Council's Flood Hazard Classification of the properties, for the purpose of changing notations on the Section 149(2) Planning Certificates of the properties issued under the Environmental Planning and Assessment Act, 1979. Any change in Flood Hazard Classification and accompanying change in Section 149(2) Planning Certificate notations must be adopted by the elected Council and so should be submitted in sufficient time to complete this process.

b. Groundwater Management

Certification by an appropriately qualified professional, as prescribed by this approval, that works associated with the updated Hydrogeological Assessment and associated plans and detailed design required under this approval have been carried out and completed.

c. Civil Engineering Works, including roads and drainage

- i. All roads, drainage and civil engineering works required by these conditions of this approval are to be completed prior to the issue of the Occupation Certificate.

- ii. Certification is to be provided to Council, by an experienced civil engineer who is NPER accredited by the Institution of Engineers Australia, that all roads, drainage and other civil engineering works relating to Macpherson Street, Boondah Road and the development site (STP Buffer Area 3) have been carried out and completed in accordance with the engineering plans and specifications required under this approval.
 - iii. A maintenance period is to apply to all civil engineering works to be dedicated to Council or which will require ongoing maintenance by Council. The maintenance period will apply for six (6) months after the issue of the Occupation Certificate. In that period the applicant will be liable for any part of the works which fail to perform in the manner required by the relevant certifications, or would reasonably be expected under the design conditions.
- d. Requirements of the NSW Rural Fire Services
 - i. Certification from a Suitably Qualified Professional certifying that the requirements of the NSW Rural Fire Service, have been satisfied/ complied with.
 - ii. Evidence is to be provided in writing that a Monitoring and Fuel Management Program has been implemented in accordance with the Bushfire Risk.
- e. Installation of Smoke Alarms

All proposed dwellings/sole occupancy units are to have approved hard-wired smoke alarms installed and maintained over the life of the development. All hard-wired smoke alarms are to be Australian Standard compliant and must be installed and certified by any appropriately qualified electrician prior to the issue of any Occupation Certificate.
- f. Landscaping including Removal of Noxious Weeds
 - i. Certification by a Landscape Architect that all the landscaping works have been completed in accordance with the approved landscape plans required under this approval.
 - ii. (ii) The removal of Noxious and Environmental Weeds is certified by a Bushland Management Consultant as being complete, in accordance with this approval.
- g. Installation of Nest Boxes

At least ten (10) nest boxes (models as shown on Council website www.pittwater.nsw.gov.au) are to be appropriately installed in existing trees. A Bushland Management Consultant is to certify that this has been appropriately completed.
- h. Section 73 Compliance Certificate

A copy of the Section 73 Compliance Certificate issued under the provisions of the Sydney Water Act, 1994, is to be forwarded to the Private Certifying Authority.

F17 Engagement of Landscape maintenance contractor

A landscape maintenance contractor is to be engaged to maintain the landscape elements/planting for the 24 months period in accordance with the approved landscape plans and Landscape Management Plan (under condition C2 of this approval), prior to the issue of any Occupation Certificate.

Details of the landscape maintenance contractor engaged in accordance with this condition is to be provided to the Principal Certifying Authority and Council.

F18 Green Travel Plan

The Proponent shall prepare for implementation a location specific sustainable travel plan, such as a Travel Access Guide (TAG), for residents and visitors to the site to support the use of non-car modes of transport.

F19 Compliance with Rural Fire Service Requirements

- a. At the commencement of building works and in perpetuity the property to the south and east of the proposed development, to a distance of 25 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- b. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- c. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
- d. New construction situated from 25m to <32m from the forested wetland hazard shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush-fire prone areas' BAL 40.
- e. New construction situated from 32m to <43m from the forested wetland hazard shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush-fire prone areas' BAL 29.
- f. New construction situated from 43m to <57m from the forested wetland hazard shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush-fire prone areas' BAL 19.
- g. New construction situated from 57m to <100m from the forested wetland hazard shall comply with Australian Standard AS3959-2009 'Construction of buildings in bush-fire prone areas' BAL 12.5.
- h. All Class 10 structures as defined per the 'Building Code of Australia', attached to or within 6 meters of habitable buildings shall comply with the relevant BAL as per the Australian Standard AS3959-2009 'Construction of buildings in bush-fire prone areas', and as noted above.
- i. New construction complying with Australian Standard AS3959-2009 'Construction of buildings in bush-fire prone areas' BAL 12.5 and BAL 19 shall also undertake the following:
NOTE: there are no construction requirements for subfloor supports where the subfloor space is enclosed

Where the subfloor space is unenclosed, the support posts, columns, stumps, piers and poles shall be:

- i. of non-combustible material; or
- ii. of bushfire-resisting timber (see AS3959-2009 Appendix F); or
- iii. a combination of the items above.

NOTE: This requirement applies to the principal building only and not verandas, decks, steps, ramps and landings (see Clause 5.7 of AS3959-2009)

Where the subfloor space is unenclosed, flooring material, including bearers, joists and flooring less than 400 mm above finished ground level, shall be:

- i. non-combustible (e.g., concrete, steel); or
- ii. of bushfire-resisting timber (AS3959-2009 see Appendix F); or
- iii. particleboard or plywood flooring where the underside is lined with sarking-type material or mineral wool insulations; or
- iv. a system complying with AS 1530.8.1; or
- v. a combination of any of the items above.

NOTE: There are no construction requirements for elements of elevated floors, including bearers, joists and flooring, if the underside of the element is 400 mm or more above the finished ground level.

In relation to unenclosed verandas, decks, steps, ramps and landings – the support posts, columns, stumps, stringers, piers, poles and framing (i.e. bearers and joists) shall be:

- i. of non-combustible material; or
- ii. Of bushfire-resisting timber (see AS3959-2009 Appendix F); or
- iii. a combination of the items above.

Parts of handrails and balustrades that are less than 125 mm from any glazing or any combustible wall shall be:

- i. of non-combustible material; or
- ii. of bushfire-resisting timber (see AS3959-2009 Appendix F); or
- iii. a combination of the items above.

NOTE: Those parts of the handrails and balustrades that are 125 mm or more from the building have no requirements.

External framed walls must incorporate either:

- i. Breather-type sarking complying with AS/NZS 4200.1 and with a flammability index of not more than 5 (see AS1530.2) and sarked on the outside of the frame; or
 - ii. An insulation material conforming to the appropriate Australian Standard for that material.
- j. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

End of this Section

PART G – DURING OPERATIONS

G1 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the approval authority initial Fire Safety Certificate is received.

G2 Road Signage

All works/regulatory signposting associated with the development shall be carried out at no cost to the Roads and Traffic Authority.

G3 Noise – Mechanical Plant and Equipment

Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:

- a. Transmission “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.
- b. A sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

G4 Unobstructed Driveways and Parking Areas

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

End of this Section

ADVISORY NOTES

Council may still elect to levy a waste availability charge for each parcel of rateable land in accordance with the Local Government Act 1993.

Portions of the site may be liable to flooding from the 1% AEP and the PMF (Probable Maximum Flood) and effective precautions should be taken by the owner(s) and/or occupier(s) of the building to reduce any potential risk to personal safety and to minimise any property damage to the structure, its fixtures and contents.

You are advised that best practice advice and Council policies on climate change are likely to change with time, as more definitive information becomes available from climate change scientists around the world. Consequently Council's Flood Hazard Classification on this property may change with time. Any change in Flood Hazard Classification must be adopted by the elected Council, owners notified in writing and be placed on public exhibition for a minimum of 28 days.

AN1. Compliance Certificate, Water Supply Authority Act, 2000

Prior to issuing a subdivision certificate, a Compliance Certificate shall be provided to the approval authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

The developer shall obtain the Compliance Certificate from the relevant local water supply authority and produce this to the satisfaction of:

- a. the certifying authority before release of the Construction Certificate,
- b. the approval authority before the release of the subdivision certificate, and
- c. the principal certifying authority prior to occupation.

AN2. Requirements of Public Authorities for Connection to Services

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN3. Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- a. Architectural, construction and structural details of the design.
- b. Structural certification prepared and signed by a suitably qualified practicing structural engineer.

The Proponent shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the PCA prior to the commencement of works.

AN4. Use of Mobile Cranes

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- a. For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - i. at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - ii. at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- b. The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN5. Movement of Trucks Transporting Waste Material

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN6. Construction Inspections

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the Building Legislation Amendment—Quality of Construction Act, 2002 for each stage of construction, such as the following:

- a. Foundations,
- b. Footings,
- c. Damp proof courses and waterproofing installation,
- d. Structural concrete, including placing of reinforcement and formwork prior to pouring,
- e. Structural beam and column framing,
- f. Timber wall and roof framing, and
- g. Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

AN7. Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in any relevant noise management policy prepared pursuant to the Protection of the Environment Operations Act 1997, or exceed approved noise limits for the site.

AN8. Stormwater drainage works or effluent systems

A construction certificate for works that involve any of the following:

- a. water supply, sewerage and stormwater drainage work
- b. management of waste

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN9. Temporary Structures

An approval under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007 to certify the structural adequacy of the design of the temporary structures.

AN10. Disability Discrimination Act

This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Proponent/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

AN11. Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN12. Roads Act 1993

A separate application shall be made to RTA for approval under Section 138 of the Roads Act, 1993 to undertake any of the following:

- erect a structure or carry out a work in, on or over a public road, or
- dig up or disturb the surface of a public road, or
- remove or interfere with a structure, work or tree on a public road, or
- pump water into a public road from any land adjoining the road, or
- connect a road (whether public or private) to a classified road.

AN13. Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy, prior to the occupation of the building(s) or commencement of the use.

If street numbers or a change to street numbers is required, a separate application shall be made to Council.

End of this Section

SCHEDULE 3 –Statement of Commitments

MP 10_0177

**PROJECT APPLICATION FOR STAGE 1 OF A MIXED USE RESIDENTIAL AND CHILD CARE
DEVELOPMENT INCLUDING DEMOLITION, EXCAVATION, CONSTRUCTION AND
INFRASTRUCTURE WORKS AT 14 – 18 BOONDAH ROAD, WARRIEWOOD**

(Source: Preferred Project Report)

**14-18 Boondah Road, Warriewood
Major Project MP 09_0162 – Stage 1 Project Application**

Preferred Project Report

Statement of Commitments

12 November 2010

Introduction

The Draft Statement of Commitments provided in the Environmental Assessment has been revised to respond to the issues raised during the exhibition period. Revisions to the Statement of Commitments have been made to introduce additional environmental management and mitigation measures in response to key issues raised in submissions.

This statement of commitments related to the following matters:

- Environmental Management Measures
- Future application
- Construction
- Construction Vehicle Management Plan
- Ecologically Sustainable Development
- Waste Management
- Flora and Fauna
- Arboricultural Assessment/Vegetation Management Report
- Aboriginal Archaeological and Cultural Heritage
- Geotechnical
- Infrastructure Provision
- Bushfire Protection Measures
- Ecological restoration works

Environmental Management Measures

Prior to Construction commencing

- Inspection (by a qualified biologist) of hollow-bearing trees and dense shrub thickets for fauna habitation, prior to their felling and removal. Where animals are located, they would be carefully released at the time, or captured for later release. Captured animals would generally be released into the edges of the Warriewood Wetlands at dusk, and injured fauna would be transferred to the care of WIRES.
- The retention of hollow-bearing trees and all native trees within the Core Riparian Zone is required.
- Installation of nest boxes for hollow dependent species such as birds and microbats prior to tree removals within retained vegetation in close proximity to previous Poplar plantations. A Nest Box Plan should be prepared and approved prior to construction that sets out the numbers of nest boxes required, target species, nest box designs, installation and monitoring requirements.

- Installation of temporary exclusion fencing along the outer boundaries of the buffer zones, including the 10m Buffer Strip, Public Riparian Zone and remnant native vegetation areas, prior to construction. Appendix 4 of P21 DCP addresses the protection of existing vegetation, and states that “The existing vegetation, to be retained, should be protected from root compaction, root, trunk and limb damage, soil contamination and changes in surface level that may affect the health of each specimen. Protection measures are to be installed prior to the commencement of any earthworks. It is suggested that a chain wire fence be erected 1 metre beyond the dripline of each specimen for the full circumference of all vegetation to be protected.
- All stands of Swamp Sclerophyll Forest adjacent to the development footprint that will be retained will be protected by erecting temporary exclusion fencing during construction in accordance with the Arborist’s recommendations.

During construction

- Monitoring of retained stands of Swamp Sclerophyll Forest and the riparian zones for the presence of threatened birds species during their breeding season that may nest within this type of habitat. This would include *Ixobrychus flavicollis* Black Bittern.
- Revegetation within the 25 metre Asset Protection Zone must be designed so that the function of the APZ is not compromised by the landscaping works. This will require careful selection of species, creation of gaps in the canopy and separation of the ground and canopy fuel layers.
- The on-going management of this zone will be required;
- Landscaping around the entrance way at Boondah Road, and in the other areas of the development that required removal of Swamp Sclerophyll Forest, (the south eastern section of the site) should consist of species characteristic of this community;
- The location of material stockpiles and vehicle parking areas must be on already cleared and disturbed land, well away from vegetation to be retained on the site and the boundary close to the wetlands.
- Chipping of felled trees and other vegetation (excluding noxious or invasive weeds) from the site for use as mulch in rehabilitation works is recommended;
- Install appropriate erosion control measures during the construction phase of the development (e.g. silt fences, sediment ponds etc), to protect terrestrial habitats on-site and wetland habitats downslope of the site. These will conform to Managing Urban Stormwater - Soils and Construction (NSW Department of Housing 1998), and will be maintained throughout the construction period.
- Manage stormwater, wastewater and runoff as per the P21 DCP and design plans in relation to the sites proximity to a significant wetland.
- Manage construction materials, fuels and wastes should be controlled to minimise the potential for any discharge of chemicals or contaminants (such as concrete or other building materials) impacting upon adjacent areas of native vegetation or waterways.

Post-construction

- The program of weed control and bush regeneration in all conservation areas retained on-site is to continue, with preference to areas of Swamp Sclerophyll Forest and the riparian zones, in

accordance with the approved management plan to enhance the quality of the remaining vegetation. Conduct monitoring in accordance with the approved VMP.

- Material stockpiles and vehicle parking areas that have been created on site are to be removed and made good upon completion of the construction works.
- Non-permanent erosion control measures (e.g. silt fencing, sediment ponds) implemented during the construction phase of the development are to be carefully removed following completion and stabilisation of the works.
- Management of stormwater, wastewater and runoff will continue as per the project design and P21 DCP in relation to the sites proximity to a significant wetland.

Vegetation management measures

Implement the recommendations of the Vegetation Management Plan prepared by Total Earth Care submitted with the Environmental Assessment.

Future applications

The Proponent commits to preparing a separate Project Application for the Stage 2 area as detailed in the Concept Plan.

Strata and stratum subdivision including all necessary easements to facilitate public access arrangements and dedication of the proposed local streets and land to Pittwater Council that have been agreed to by the consent authority in the determination of this Major Project Application MP 09_0162.

The final subdivision plans are to be registered with the Lands Titles Office prior to the occupation of the site.

Construction management measures

A detailed Demolition and Construction Environmental Management, will be prepared by the Proponent for approval prior to the commencement of any demolition or construction works on site.

Ecologically Sustainable Development

The Proponent commits to the building sustainability initiatives as detailed in the schedule contained in the BASIX certificate submitted with the Preferred Project Report.

Waste management measures

The recommendations as detailed in the Waste Management Plan, prepared by Wastech engineering submitted with the Environmental Assessment will be incorporated into the proposed residential development.

Arboricultural measures

The recommendations made in relation to tree removal and tree protection zones will be adopted by the proposed development in accordance with the Tree and Landscape Consultants submitted with the Environmental Assessment.

Geotechnical measures

The recommendations of the Geotechnical Assessment prepared by Jeffery Katauskas Pty Ltd provided with the Environmental Assessment will be incorporated into the proposed development.

Bushfire Protection Measures

The bushfire protection measures as detailed in Flamezone Pty Ltd report submitted with the Environmental Assessment, the Planning for Bushfire Protection Pty Ltd report with the Preferred Project Report and the recommendations of the NSW Rural Fire Service will be adopted in the proposed development.